



LAHIVE
&
COCKFIELD
L L P

COUNSELLORS AT LAW
28 STATE STREET
BOSTON, MASSACHUSETTS 02109-1784
TELEPHONE (617) 227-7400
FAX (617) 742-4214
lc@lahive.com

JOHN A. LAHIVE, JR. (1928-1997)
THOMAS V. SMURZYNSKI
RALPH A. LOREN
GIULIO A. DeCONTI, JR.
ANN LAMPORT HAMMITTE
ELIZABETH A. HANLEY
AMY BAKER MANDRAGOURAS
ANTHONY A. LAURENTANO
KEVIN J. CANNING
JANE E. REMILLARD
DeANN FORAN SMITH
PETER C. LAURO
JEANNE M. DIGIORGIO
DEBRA J. MILASINCIC, Ph.D.
DAVID J. RIKKERS
DAVID R. BURNS
JOHN S. CURRAN
SEAN D. DETWEILER

CYNTHIA L. KANIK, Ph.D.
MEGAN E. WILLIAMS, Ph.D.
RICHA NAND
MICHAEL PHILLIPPS *
LISA M. DIROCCO
HATHAWAY P. RUSSELL **
MARIA LACCOTRIPE ZACHARAKIS, Ph.D.
VINCENT P. LOCCISANO
MERIDETH C. ARNOLD
DANIELLE L. HERRITT

SENIOR COUNSEL
JAMES E. COCKFIELD

OF COUNSEL
JEREMIAH LYNCH
WILLIAM A. SCOFIELD, JR.
SIBLEY P. REPPERT

PATENT AGENTS
THEODORE R. WEST
SHAYNE Y. HUFF, Ph.D.

TECHNICAL SPECIALISTS
CYNTHIA M. SOROOS
PETER W. DINI, Ph.D.
EUIHOON LEE
CATHERINE E. McPHERSON
JACOB G. WEINTRAUB
JONATHAN M. SPARKS, Ph.D.
CRISTIN E. HOWLEY, Ph.D.
JILL ANN MELLO, Ph.D.

* Admitted in NY only
** Admitted in TX only

P28
#2
BT
12.31-02

December 12, 2002

Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Patent Application No.: 09/881071
For: A FLUSHABLE FREE REGISTER LIST
Inventors: Gold, Spencer M. *et al.*
Filed: June 13, 2001
Our Ref. No.: SMQ-042

RECEIVED
DEC 18 2002
TECHNOLOGY CENTER 2800

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Information Disclosure Statement;
2. PTO Form 1449;
3. A copy of the International Search Report;
4. Copies of references cited in PTO Form 1449 (4); and
5. A Return Postcard.

RECEIVED
DEC 24 2002
Technology Center 2100

No additional costs are believed to be due in connection with the filing of this Information Disclosure Statement. However, please charge any necessary fees in connection with the enclosed statement to our Deposit Order Account No. 12-0080. For this purpose, a duplicate of this sheet is attached.

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, Washington, D.C. 20231 on:

December 12, 2002
Date

David R Burns

David R. Burns, Esq., Reg. No. 46,590

Respectfully submitted,
LAHIVE & COCKFIELD, LLP

David R Burns

David R. Burns, Esq.
Attorney for Applicants
Registration No. 46,590



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Gold, Spencer M. *et al.*

Serial No.: 09/881071

Filed: June 13, 2001

For: A FLUSHABLE FREE REGISTER LIST

Attorney Docket No.: SMQ-042

Group Art Unit: 2811

Examiner: Not Yet Assigned

Commissioner for Patents
Washington, D.C. 20231

RECEIVED
DEC 24 2002
Technology Center 2100

Certificate of First Class Mailing (37 CFR §1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

December 12, 2002

Date of Signature and of Mail Deposit

By:

David R. Burns
David R. Burns, Esq.
Registration No. 46,590
Attorney for Applicants

RECEIVED
DEC 18 2002
TECHNOLOGY CENTER 2800

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicants and their Attorney have become aware of the following publications and information, cited in an International Search Report mailed November 11, 2002 during the prosecution of PCT/US02/18311, which corresponds to the above-referenced application. In accordance with 37 CFR §1.97, Applicants hereby submit these publications for the Examiner's consideration. These publications are cited on the enclosed PTO Form 1449, and a copy of the Report and each publication cited thereon are enclosed as well.

This statement is not to be interpreted as a representation that the cited publications are material, that an exhaustive search has been conducted, or that no other relevant information exists. Nor shall the citation of any publication herein be construed *per se* as a representation that such publication is prior art. Moreover, Applicants understand that the Examiner will make an independent evaluation of the cited publications.

In accordance with 37 CFR §1.97(e)(1), the undersigned hereby certifies that each item contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application *for the first time* not more than three months prior to the filing of this statement. Furthermore, in accordance with 37 CFR §1.704(d), Applicants note that this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of this statement.

No additional costs are believed to be due in connection with the filing of this Information Disclosure Statement. However, please charge any necessary fees in connection with the enclosed statement to our Deposit Order Account No. 12-0080.

Respectfully submitted,
LAHIVE & COCKFIELD, LLP



David R. Burns, Esq.
Registration No. 46,590
Attorney for Applicants

28 State Street
Boston, MA 02109
(617) 227-7400

Date: December 12, 2002
KJC/DRB/ham
Enclosures